

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL MILLER, JR.,)	
)	
Petitioner,)	No. C 04-4746 CRB (PR)
)	
vs.)	ORDER DENYING
)	CERTIFICATE OF
DAVID L. RUNNELS, Warden,)	APPEALABILITY
)	
Respondent.)	(Doc # 15)
_____)	

Petitioner has filed a notice of appeal and request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).

Petitioner's request for a certificate of appealability (doc # 15) is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: June 5 2006



CHARLES R. BREYER
United States District Judge